



Department of Defense

DIRECTIVE

1157 (11.1)

6-95 5355

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AD-A271 446



June 21, 1984
NUMBER 4710.1

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ASD(MI&L)

SUBJECT: Archeological and Historic Resources Management

- REFERENCES:
- (a) Title 16, United States Code, Section 470 et seq. (Public Law 89-665, "National Historic Preservation Act," as amended)
 - (b) Title 16, United States Code, Section 469 et seq. (Public Law 93-291, "Archeological and Historic Data Preservation Act," as amended)
 - (c) Title 16, United States Code, Section 470 aa-11 (Public Law 96-95, "Archaeological Resources Protection Act of 1979")
 - (d) Executive Order 11593, "Protection and Enhancement of the Cultural Environment," May 13, 1971
 - (e) DoD Directive 6050.1, "Environmental Effects in the United States of DoD Actions," July 30, 1979
 - (f) through (h), see enclosure 1

A. PURPOSE

This Directive, under references (a) through (e), provides policy, prescribes procedures, and assigns responsibilities for the management of archeological and historic resources located in and on waters and lands under DoD control.

B. APPLICABILITY AND SCOPE

1. This Directive applies to the Office of the Secretary of Defense, the Military Departments (including their National Guard and reserve components), the Organization of the Joint Chiefs of Staff, and the Defense Agencies (hereafter referred to collectively as "DoD Components").

2. Its provisions apply only within the United States, the District of Columbia, Puerto Rico, Guam, the Virgin Islands, American Samoa, the Commonwealth of the Northern Mariana Islands, and the Trust Territory of the Pacific Islands.

3. Nothing contained herein or in implementing documents shall modify any rights granted by treaty or otherwise to any Indian tribe or its members. At locations other than those in subsection B.2., above, DoD Components shall comply with historic preservation requirements of the host country, international agreements, and status-of-forces agreements as well as applicable portions of federal law that govern preservation management outside of the United States (reference a).

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4. This Directive does not apply to the civil programs of the U.S. Army Corps of Engineers.

C. DEFINITIONS

1. Advisory Council on Historic Preservation. The independent agency mandated to advise the President and federal agencies regarding undertakings that may affect properties listed or eligible for listing in the National Register of Historic Places.

2. National Register of Historic Places. The listing of districts, sites, buildings, structures, and objects of national, state, or local significance in American history, architecture, archeology, and culture that is maintained by the Secretary of the Interior.

3. Rehabilitation. Efforts and resources expended to maintain, repair, reproduce, revitalize, or protect the significant characteristics that qualify a property for listing in the National Register of Historic Places.

4. Significance or Significant. Those attributes or characteristics of a property that qualify it as eligible for the National Register of Historic Places, as determined by criteria in 36 CFR Parts 60 and 65 (references (f) and (g)). This term includes records and remains related to such property.

5. State Historic Preservation Officer. The official, appointed pursuant to 16 U.S.C. 470a(b)(1) (reference (a)), who is responsible for administering the National Historic Preservation Act within a state or jurisdiction.

6. Treatment. The way a historic property is maintained, repaired, used, protected, excavated, documented, or altered.

7. Undertaking. Any federal, federally assisted, or federally licensed action, activity, or program, or support of any nonfederal action, activity, or program, including both new and continuing projects and activities.

D. POLICY

It is DoD policy to integrate the archeologic and historic preservation requirements of applicable laws with the planning and management of activities under DoD control; to minimize expenditures through judicious application of options available in complying with applicable laws; and to encourage practical, economically feasible rehabilitation and adaptive use of significant historical resources.

E. RESPONSIBILITIES

1. The Assistant Secretary of Defense (Manpower, Installations, and Logistics) (ASD(MI&L)) shall:

a. Issue and monitor policy related to management of archeological and historic resources on DoD properties.

b. Coordinate policies and programs among DoD Components and other federal agencies concerning archeological and historic resources on DoD properties.

c. Assign responsibility to the appropriate DoD Component when more than one Component is involved in an archeological or historic resource management issue.

d. Apply for exemption under 16 U.S.C. 470v (reference (a)) when necessary.

2. Heads of DoD Components shall:

a. Comply with the provisions of this Directive.

b. When required, communicate directly with and cooperate with the Advisory Council on Historic Preservation, state historic preservation officers, and the public regarding the effects of an undertaking on significant archeological and historic properties.

c. Designate an official who shall be responsible for matters pertaining to this Directive.

d. Integrate historic preservation programs into land use plans and other planning activities to reduce adverse effects on significant historic properties.

e. Program and budget for development and implementation of historic preservation programs as necessary to comply with Pub. Ls. 89-665, 93-291, and 96-95; E.O. 11593; and DoD Directive 6050.1 (references (a) through (e)).

3. The Secretaries of the Military Departments:

a. Shall implement an archeological and historic preservation program that provides the resources, technical assistance, and qualified staff necessary to manage the program effectively.

b. May establish an archeologic and historic preservation award program to recognize outstanding historic properties management at installations under their control.

c. Shall communicate directly with organizational elements of the Department of the Interior on matters concerning nominations to and listings in the National Register of Historic Places and rehabilitation or other treatment of listed properties.

d. Shall maintain a list of significant archeological and historic properties under their control and a record of the cost of rehabilitation or other treatment of those properties.

e. Shall process applications for permits to excavate and remove archeological resources from lands under their jurisdiction. Permits may be issued with appropriate conditions in accordance with 43 CFR Part 7 (reference (h)).

F. PROCEDURES

1. Each DoD installation shall maintain a historic preservation plan (which may be part of a more comprehensive planning document) that:

a. Identifies the likelihood, based on scientific studies, of the presence of significant archeological and historic properties.

b. Contains an inventory and evaluation of all known archeological and historic properties.

c. Describes the strategies for complying with requirements of Pub. Ls. 89-665, 93-291, and 96-95 and E.O. 11593 (references (a) through (d)) and this Directive.

d. Is developed in consonance with local, state, and other appropriate federal historic preservation programs.

2. In accordance with reference (a), DoD Components shall consult with the state historic preservation officer concerning effects of DoD undertakings on National Register or eligible properties. If the state historic preservation officer or the DoD Component determines that the undertaking may have an effect on such property, DoD Components shall give the Advisory Council on Historic Preservation a reasonable opportunity to comment in accordance with appropriate regulations. Specific program decision points for such undertakings shall be provided to the Advisory Council and the state historic preservation officer.

3. Moreover, DoD Components shall:

a. Whenever economical, use historic properties available to them before acquiring, constructing, or leasing buildings.

b. Locate, inventory, and nominate properties under their control that appear to qualify for inclusion in the National Register of Historic Places, and ensure that any such property that may qualify for inclusion is not inadvertently transferred, sold, demolished, substantially altered, or allowed to deteriorate significantly.

c. Ensure that inadvertently discovered archeological and historic resources are protected at the site of discovery whenever possible until cognizant authorities have evaluated their significance.

d. Provide for the protection and storage of archeological and historic properties and records that accrue as a result of a DoD Component's or installation's historic preservation program.

e. Identify undertakings for which application for exemption from the requirements of reference (a) may be made by the ASD(MI&L).

4. DoD Components are encouraged to enter into memoranda of agreement with licensing agencies to assist in meeting the requirements of Section 106 of reference (a).

5. Before disposing of significant historic properties that exceed DoD needs, the DoD Component with responsibility for the property involved shall:

a. Provide the disposal plans to the state historic preservation officer for review.

b. In accordance with appropriate regulations, give the Advisory Council on Historic Preservation a reasonable opportunity to comment before proceeding with the disposal action.

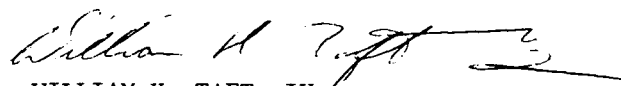
c. Execute a Memorandum of Agreement with the General Services Administration (GSA), the state historic preservation officer, and the Advisory Council on Historic Preservation if the disposal action will affect adversely the property. The GSA is responsible for the conditions of property transfer.

6. Each Military Department shall designate an official who may sign and transmit nominations to the National Register of Historic Places for that Military Department.

7. DoD Components shall ensure that monies requested for historic rehabilitation or restoration of National Register or eligible properties are spent on the historically significant characteristics of the structures. Rehabilitation for modern amenities is not historic restoration.

G. EFFECTIVE DATE AND IMPLEMENTATION

This Directive is effective immediately. Forward two copies of implementing documents to the Assistant Secretary of Defense (Manpower, Installations, and Logistics) within 150 days.


WILLIAM H. TAFT, IV
Deputy Secretary of Defense

Enclosure - 1
References

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REFERENCES, continued

- (f) Department of the Interior Regulation, "National Register of Historic Places" (36 CFR Part 60)
- (g) Department of the Interior Regulation, "National Historic Landmarks Program" (36 CFR Part 65)
- (h) Department of the Interior Regulation, "Archaeological Resources Protection Act of 1979; Uniform Regulations" (43 CFR Part 7)